

## MINUTES

February 22, 2008

Minutes of the legislative meeting of the State Board of Education held February 22, 2008, at the State Capitol Complex, Salt Lake City, Utah. Meeting commenced at 10:05 a.m.

Vice Chairman Mark Cluff presided.

Members present were:

Vice Chairman Mark Cluff  
Member Dixie Allen  
Member Kim R. Burningham  
Member Janet A. Cannon  
Member Bill Colbert  
Member Thomas Gregory  
Member Randall Mackey  
Member Denis R. Morrill  
Member Teresa L. Theurer (via telephone)

Members Laurel Brown, Rosanita Cespedes, Greg Haws, Michael Jensen, Charlene Lui, Richard Moss, Josh Reid, Debra Roberts, and Richard Sadler were excused..

Also present were:

Executive Officer Patti Harrington  
Deputy Superintendent Larry Shumway  
Associate Superintendent Brenda Hales  
Associate Superintendent Todd Hauber  
Associate Superintendent Judy Park

Board Secretary Twila B. Affleck

Members of the Press:

Juan Montoya, Telemundo  
Leo Gutierrez, Telemundo  
Roxana Orellana, Salt Lake Tribune  
Raymond Timothy, Superintendent Park City School District  
Patty Murphy, Park City School District  
Dee Larson, Legislative Research & General Counsel  
Noal Zabriskie, Superintendent Ogden City School District  
Representative Greg Hughes  
Dee Larsen, Legislative Research and General Counsel

Carol Lear, Director, Law and Legislation, Utah State Office of Education  
Jean Hill, Specialist, Law and Legislation, Utah State Office of Education  
Larry Newton, Finance Director, Utah State Office of Education

Board Secretary Twila B. Affleck recorded the minutes.

Vice Chairman Mark Cluff called the meeting to order.

February 22, 2008

Review of Revenue Estimates and  
Status of Executive Appropriations

Deputy Superintendent Larry Shumway presented the status of Available Revenue and the February Consensus Estimates versus Base Budget Bills. (For complete details see General Exhibit No. 10475.)

Motion was made by Member Denis R. Morrill and seconded by Member Dixie L. Allen to support where the staff has gone with the ongoing funding money, 3%wpu and \$2500. Motion carried unanimously.

Representative Greg Hughes, Chairman,  
Education Standing Committee

Representative Hughes addressed HB 332, Use of Public Schools by Community Organizations. This bill requires all public school buildings and grounds to be made available as a civic center to district residents for supervised recreational activities and meetings; provides that a local school board may not refuse the use of a civic center, for other than school purposes, unless it determines that the use interferes with a school function or purpose; requires a local school board to ensure that school administrators are trained about and properly implement certain provisions; and makes technical corrections.

The Board in a previous meeting has taken a position of oppose. Representative Hughes indicated he would like to have the Board reconsider their position relative to this bill.

Dee Larsen, Associate Counsel, Legislative Research and General Counsel, reviewed the contents of the bill and proposed changes to the existing statutory language.

Member Denis Morrill suggested to Representative Hughes that he might have come to the Board and asked it to change its policy rather than to write the legislation.

Representative Hughes responded that he felt there needed to be a more consistent policy, however, agreed that coming to the Board and having dialogue would be a good way to start.

Member Morrill questioned why this does it not apply to charter schools? Dee Larsen responded that there is a section in the charter school code that exempts them from certain statutes, this being one of them.

Representative Hughes indicated that if it improves the process he would be willing to look at the other statutes.

February 22, 2008

Member Tom Gregory voiced concern that field use damage is not addressed in the bill.

Member Dixie Allen commented that she did not see how this changes what we have been doing other than to say they must. She agrees we must do this if we want to be partners with our communities. She would recommend a position of unnecessary.

Member Bill Colbert commented that in Jordan District they have made a blanket exclusion that no play is allowed on school property which is public property.

Representative Hughes commented that they were not really changing the statute just trying to clarify.

Further discussion ensued relative to the purpose of the bill and the direction to school districts relative to the use of their school properties. Also, that a definition should be added to the bill relative to the meaning of civic center, and to clarify what is meant by open.

Motion was made by Member Bill Colbert and seconded by Member Dixie L. Allen to support the concept, and if the bill does not go forward that the Board write a rule clarifying these issues.

Member Tom Gregory commented that he could not support the motion. He agrees with concept and that the buildings and grounds should be open, but it does not provide enough protection and this should be a board policy.

Member Dixie Allen commented that districts need to give a reason if they do not allow the use of the property. The public should be provided an explanation.

Member Janet Cannon offered an amendment to be included in the motion relative to charter schools and the open forum issue. Makers of the motion accepted the amendment. Motion carried with Members Allen, Burningham, Cannon, Colbert, Mackey, Morrill and Theurer voting in favor; Member Gregory opposed.

#### Legislation Update

The Board reviewed and took action on the following legislation:

#### **HB 69 1S - Repeal of Board Leeway for Reading Improvement (J. Dougall)**

This bill allows local governmental entities and school districts to contract and cooperate with one another in matters affecting the education of their residents; allows a local governmental entity to specify the purpose for which public funds are disbursed to a school district; and that public funds disbursed to a school district shall be used within the boundaries of

February 22, 2008

the local governmental entity; and allows a representative of county government to participate in local school board discussions. This bill appropriates as an ongoing appropriation subject to future budget constraints, \$20,000,000 from the Uniform School Fund for fiscal year 2008-09 to the State Board of Education. This bill takes effect on July 1, 2008.

Superintendent Ray Timothy, Park City School District commented that this takes away their ability to tax and they would lose \$400,000.

Motion was made by Member Denis R. Morrill and seconded by Member Kim R. Burningham to oppose because it is not one of the priorities the Board voted on at the beginning of the meeting.

Substitute motion was made by Member Thomas Gregory and seconded by Member Bill Colbert to not take action on the bill at this time. Motion failed with Members Allen, Cannon, Colbert, Gregory, Mackey and Theurer voting in favor; Member Burningham and Morrill opposed.

Original motion failed with Member Burningham, Cannon, Morrill and Theurer voting in favor; Members Allen, Colbert, Gregory and Mackey opposed.

#### **HB 146 School Bus Amendments (C. Johnson)**

This bill creates the Clean School Bus Grant Program Restricted Account; requires the Department of Environmental Quality to use account monies to provide local school districts matching funds for grants awarded by the United States Environmental Protection Agency to a local school district for the purchase or retrofit of clean school buses; repeals the Clean School Bus Grant Program Restricted Account on July 1, 2018; requires an operator of a school bus to turn off the bus or vehicle engine upon stopping at a school; prohibits an operator of a school bus from turning a school bus on more than two minutes before departing or idling within certain locations for more than a certain period of time; provides penalties for violating the school bus operation or idling restrictions; provides that a school bus operator is subject to a civil penalty for violating the school bus operation or idling restrictions; and makes technical changes. This bill appropriates as an ongoing appropriation, \$700,000 from the General Fund for the fiscal year 2008-09. This bill takes effect on July 1, 2008.

Motion was made by Member Bill Colbert and seconded by Member Dixie L. Allen to support. Motion carried unanimously.

February 22, 2008

**HB 212 S2 State System of Public Education Amendments (J. Dougall)**

This bill directs the Legislature, subject to future budget constraints, to appropriate money for educator salary adjustments; modifies the positions that qualify for educator salary adjustments; and makes technical corrections. This bill appropriates as an ongoing appropriation subject to future budget constraints, \$88,250,100 from the Uniform School Fund for fiscal year 2008-09. This bill takes effect on July 1, 2008.

Deputy Superintendent Larry Shumway pointed out that line 40 excludes school administrators. He noted that the recommendation in the priority list from the education appropriations committee includes administrators. He indicated that it includes everything of the board's priority except for \$3-4 million to add school administrators.

Discussion ensued relative to whether or not administrators should be left in this legislation noting that administrators would receive a salary increase through the wpu. Some members felt it important to include administrators because of all of their duties and it helps build a strong team concept.

Motion was made by Member Denis R. Morrill and seconded by Member Kim R. Burningham to support with the comment if they add administrators in.

Motion carried with Members Allen, Burningham, Cannon, Colbert, Mackey, Morrill and Theurer in favor; Member Gregory opposed.

**HB 382 Financing Public Education (M. Newbold)**

This bill increases the minimum basic property tax levy imposed by school districts statewide to a set rate of .00200; modifies the certified tax rate calculation for school districts as a result of the increase in the minimum basic levy tax rate; modifies the advertisement requirements for a tax rate increase above the state's certified tax rate for the minimum basic levy; defines terms; and makes technical changes. There are no monies appropriated in this bill. This bill takes effect on January 1, 2009.

No action.

**HB 391 S1 Public School Funding (W. Harper)**

This bill repeals the authority of school districts to levy certain property taxes; requires a school district to use the revenue received from the Homeowner Protection Program to pay for bond interest, principal, and redemption premiums first; requires a school district to use the remaining money received from the Homeowner Protection Program to offset the loss of

February 22, 2008

certain property tax revenue; creates a new local school district discretionary levy; sets the tax rate for the local school district discretionary levy for the first taxable year; provides procedures for setting the tax rate for the local school district discretionary levy after the first taxable year; prohibits a taxing entity from imposing a property tax rate higher than the taxing entity's certified tax rate for three years; increases the sales and use tax on certain transactions by 1.65%; dedicates the revenue generated by the 1.65% increase to the Uniform School Fund; adjusts a school district's certified tax rate due to the repeal or amendment of the property taxing authority of the school district; defines terms; and makes technical changes. There are no monies appropriated in this bill. This bill provides an effective date and provides retrospective operation for Section 37 59-2-919.1. This bill coordinates with H.B. 77, Personal Property Tax Amendments, by changing technical cross references.

Motion was made by Member Bill Colbert and seconded by Member Dixie L. Allen to oppose. Motion carried unanimously.

#### **HB 471 Educator Compensation Modifications (G. Hughes)**

This bill provides definitions; directs the Legislature to annually appropriate money for the Teacher Salary Supplement Program; requires the Department of Human Resource Management to create an on-line application system; determine a teacher's eligibility for and the amount of a salary supplement; and certify information to the Division of Finance; requires a school district or charter school to provide a salary supplement of \$5,000 to a teacher who fills a mathematics or science position for which there is a critical shortage of qualified personnel; and establishes the Teacher Salary Supplement Restricted Account. This bill appropriates \$127,000 from the General Fund for fiscal year 2007-08 only, to the Department of Human Resource Management; as an ongoing appropriation subject to future budget constraints, \$190,000 from the General Fund for fiscal year 2008-09; and as an ongoing appropriation subject to future budget constraints, \$6,000,000 from the Uniform School fund for fiscal year 2008-09.

Motion was made by Member Dixie L. Allen and seconded by Member Denis R. Morrill to oppose; noting that the Board supports the concept of funding critical need areas, but does not agree with how this will be administered, and how the district decide the critical needs. If there is a way to work out the language to support science and math and then add flexibility for districts to identify their special need area for use of this money, it would be better. Motion carried unanimously.

February 22, 2008

**SB 223 - Standards for Acceptance of School Transfer Applications (M. Madsen)**

This bill prohibits discrimination against a student applying for enrollment in a school that is not the student's school of residence; and whose intent is to participate in varsity athletics; and prohibits rejection of a student's application for enrollment in a school that is not the student's school of residence solely upon the basis that the student intends to participate in varsity athletics. There are no monies appropriated in this bill.

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to oppose. Motion carried unanimously.

**SB 241 Local Governmental Cooperation in Education Matters (P. Jones)**

This bill allows local governmental entities and school districts to contract and cooperate with one another in matters affecting the education of their residents; allows a local governmental entity to specify the purpose for which public funds are disbursed to a school district; and that public funds disbursed to a school district shall be used within the boundaries of the local governmental entity; and allows a representative of county government to participate in local school board discussions. There are no monies appropriated in this bill

No action.

**HB 162 - Utah School Seismic Hazard Inventory**

This bill requires a seismic evaluation of all public schools, using specified standards; creates a public school seismic safety committee for a certain period of time; requires the public school seismic safety committee to determine a threshold score on the seismic evaluation; and requires the State Board of Education to adopt administrative rules. This bill appropriates: \$500,000 from the General Fund for fiscal year 2008-09 only, to the State Board of Education and makes the appropriation non-lapsing. This bill takes effect on July 1, 2008.

Motion was made by Member Dixie L. Allen and seconded by Member Janet A. Cannon to support. Motion carried unanimously.

**Utah Schools for the Deaf and the Blind Letter to the Board from Legislators regarding decisions of placement at the Utah Schools for the Deaf and the Blind**

The Board discussed a letter it has received Board from eight legislators relative to decisions of placement at the Utah Schools for the Deaf and the Blind.

February 22, 2008

Superintendent Harrington reported that this will be a full board discussion and information item at the March 7, 2008 board meeting. It was suggested that the legislators who signed the letter be invited to the Board meeting. Further, to respond to these legislators what is currently being done. Deputy Superintendent Shumway indicated he would personally invite the legislators.

### **HB 266 - Accelerated Learning Program Revisions**

This bill authorizes public schools to use appropriations for accelerated learning programs for Internal Baccalaureate programs; and increases the appropriation for accelerated learning programs. This bill appropriates: as an ongoing appropriation subject to future budget constraints, \$300,000 from state and local funds for fiscal year 2008-09 to accelerated learning programs. This bill takes effect on July 1, 2008. This bill coordinates with H.B. 1 by providing that certain amendments in this bill supersede the amendments in H.B. 1 and that certain amendments in H.B. 1 supersede the amendments in this bill. This bill coordinates with S.B. 2 by providing that certain amendments in this bill supersede the amendments in S.B. 2 and that certain amendments in S.B. 2 supersedes the amendments in this bill.

Member Tom Gregory commented that this is a solid program and is not anti-American. The International Baccalaureate Program provides a good solid college preparation program, and is recognized by colleges nationally.

Member Gregory indicated that even though it did not pass the committee he would like the Board to make a statement of support for the IB Program.

Motion was made by Member Thomas Gregory and seconded by Member Randall A. Mackey to support the concept of the bill with a comment that the IB program be added to the list of programs that the monies for accelerated learning programs can be used for. Understanding that the appropriation is not one of the Board's funding priorities and would support the bill without that. Motion carried unanimously.

(For complete details of the legislative materials presented see General Exhibit No. 10476.)

Motion was made by Member Denis R. Morrill and seconded by Member Janet A. Cannon to adjourn. Meeting adjourned at 11:45 a.m.